

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VELERON HOLDING, B.V.,

Plaintiff,

- against -

MORGAN STANLEY; MORGAN STANLEY
CAPITAL SERVICES, INC.; MORGAN STANLEY
& CO., INCORPORATED; MORGAN STANLEY
& CO

Defendants.

Index No.: 12-cv-5966 (CM)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, the Statement Pursuant to S.D.N.Y. Local Civil Rule 56.1, the Declaration of Jonathan D. Polkes, Esq. (and the exhibits annexed thereto), Defendants Morgan Stanley, Morgan Stanley Capital Services, Inc., Morgan Stanley & Co., Inc., and Morgan Stanley & Co. by their counsel hereby move this Court, before the Honorable Judge Colleen McMahon, United States District Judge, United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 1640, New York, New York 10007 for an order granting summary judgment dismissing the Ninth Cause of Action of the First Amended Complaint with prejudice as against them pursuant to Rule 56 of the Federal Rules of Civil Procedure, and for such other relief as this Court may deem just and proper.

Dated: September 30, 2014
New York, New York

Respectfully submitted,

/s/ Jonathan D. Polkes

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